

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2010 JUN 11 A 9:41

UNITED STATES OF AMERICA)
Plaintiff) **Ref: CASE NO. 09CR 078**
v.)
SAMUEL LYNN DAVIS) **Friend of the Court Brief**
Defendant) **IN LAW**

SPECIAL VISITATION
BY FRIEND OF THE COURT

**OFFICIAL NOTICE TO THE RECORD
FRIEND OF COURT BRIEF**

REPORT OF SECURITIES FRAUD, FRAUD, EXCESS OF JURISDICTION, SLAVERY, PEONAGE, INVOLUNTARY SERVITUDE

Friend of the Court Brief

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STANDING and CAPACITY

The Free White Man, Lewis Vincent for the family Hughes, herein Friend of the Court, acting in the capacity of Private Attorney General, is one of the sovereign People of the body politic, The State of Washington, which State is a member of the union, admitted by Congress effective February, 1889.

The People of the several states constituent to the union, inclusive of Lewis Vincent, have an inherent interest that the proper carrying out of the constitution and laws of the union, as all actions taken by the People's representatives and their agents are done in the names of the People as the true sovereigns and source of authority. Therefore the People must act proactively to safe guard the sanctity of the institution of government and prevent it from being defrauded by incompetent or corrupt attorneys and other officers of the courts (BANKS) administering the bankruptcy of the United States as an operation of public policy.

THE FRIEND OF THE COURT ACTING IN THE CAPACITY OF PRIVATE ATTORNEY GENERAL, HAS REVIEWED THE RECORD OF THE DISTRICT COURT RELATING TO THE ABOVE CAPTIONED MATTER AND OBSERVED SEVERAL FATAL DEFECTS TO ITS HAVING A VALID RECORD.

ISSUES

1. THE INITIAL BILL (CHARGING INSTRUMENT) APPEARS VOID ON ITS FACE FOR LACK OF STATEMENT OF CLAIM. THERE IS NO INJURED PARTY.
2. THE INITIAL AND SUBSEQUENT PROCESS APPEARS TO BE VOID ON ITS FACE AS IT APPEARS TO BE INTENDED TO LOOK LIKE JUDICIAL PROCESS, APPEARING TO BE INTENDED TO CAUSE INTERESTED PARTIES TO ACT ON IT AS IF IT WERE JUDICIAL PROCESS, WHEN IN FACT IT IS NOT JUDICIAL.

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1 **PROCESS, BUT INSTEAD COMMERCIAL PROCESS. VOID ON ITS FACE FOR**
2 **ACT(S) OF BARRATRY (CRIMINAL).**

3 **3. IT APPEARS FROM THE RECORD THAT THE "DEFENDANT" LACKED**
4 **PROPER COUNSEL, AND THAT THE "JUDGE" SHOULD HAVE SUA SPONTE**
5 **PREVENTED OR CORRECTED THE SUBSTANTIVE DUE PROCESS**
6 **DISCREPANCY WHEN THE SEVERAL ATTORNEYS AND "JUDGE" (ALSO AN**
7 **ATTORNEY) KNEW, KNEW OR SHOULD HAVE KNOWN THAT Samuel Lynn**
8 **Davis WAS A MAN, ACTING BY AND THROUGH A TRANSMITTING UTILITY,**
9 **SAMUEL LYNN DAVIS, AND HAS AN UNLIMITED EXEMPTION FROM LEVY.**

10 **4. THE CHARGES IN THE INSTANT MATTER ARE CITED UNDER TITLE 18**
11 **OF THE UNITED STATES CODE. TITLE 18 HAS NEVER BEEN PUBLISHED IN**
12 **THE FEDERAL REGISTER RENDERING IT IMPOTENT TO BE USED AGAINST**
13 **THE PEOPLE OF THE SEVERAL STATES PURSUANT TO THE FEDERAL**
14 **REGISTER ACT. THIS ACTION IS VOID ON ITS FACE.**

16 **5. THE FEDERAL BUREAU OF INVESTIGATION IS CHARGED WITH**
17 **INVESTIGATING THE CRIMINAL ACTIVITIES OF FEDERAL EMPLOYEES,**
18 **AGENTS, AND FRANCHISEES, ONLY.**

19 **6. THE FEDERAL BUREAU OF INVESTIGATION HAS COMMITTED CIVIL**
20 **TRESPASS AGAINST THE MAN AND HIS PROPERTY.**

21 **7. THE FEDERAL BUREAU OF INVESTIGATION BY AND THROUGH ITS**
22 **AGENTS HAVE ENJOYED UNJUST ENRICHMENT.**

25 **DETAIL OF ISSUES**

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1. THE INITIAL BILL (CHARGING INSTRUMENT) APPEARS VOID ON ITS FACE FOR LACK OF STATEMENT OF CLAIM.

Upon a simple review of the record, as to the elements necessary to state a claim, the charging bill is based solely upon a penalty statute, and without any reference to any underlying duty upon which invocation of the penalty statute could lie.

Conspiracy and **Money Laundering, aiding and abetting** as brought forth by the attorneys for the UNITED STATES OF AMERICA (USA) are only penalty statutes identifying the penalty for willful actions. THE RECORD SHOWS NO REFERENCE TO ANY STATUTE, CONTRACT, OR OTHER FOUNDATIONAL INSTRUMENT UPON WHICH AN OBLIGATION FOR A State Citizen, A Terra Tenant, TO COMPLY WITH FEDERAL STATUTES COULD HAVE BEEN BASED. As has been ruled on by the Supreme Court of the United States on numerous occasions, Congress has no authority to legislate for the People on the States.

The bill, the Charging Instrument, is void on its face making any and all subsequent process void for lack of foundation, venue and jurisdiction. There is no claim of injuries or damages in the bill, alleged indictment, thereby failing to state a claim upon which relief can be granted. The participating attorneys and "Judge" were grossly negligent or intentionally fraudulent in allowing the process to reach the point of presentment of the purported "charging instrument" when it was so blatantly lacking in claim.

BASED UPON THE GROSS NEGLIGENCE OR INTENTIONAL FRAUD OF THE ATTORNEYS AND "JUDGE", THE "COURT" HAS SOLD, EXCHANGED, OR OTHERWISE PROFFERED FRAUDULENT SECURITIES INTO THE COMMERCIAL MARKETS CONTRARY TO PUBLIC POLICY, AND TO THE DETRIMENT AND HARM TO BOTH THE CREDITORS AND DEBTORS OF THE NATIONAL BANKRUPTCY.

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1
2 2. THE INITIAL AND SUBSEQUENT PROCESS APPEARS TO BE VOID ON ITS
3 FACE AS IT APPEARS TO BE INTENDED TO LOOK LIKE JUDICIAL PROCESS,
4 APPEARING TO BE INTENDED TO CAUSE INTERESTED PARTIES TO ACT ON
5 IT AS IF IT WERE JUDICIAL PROCESS, WHEN IN FACT IT IS NOT JUDICIAL
6 PROCESS, BUT INSTEAD COMMERCIAL PROCESS. VOID ON ITS FACE FOR
7 ACT(S) OF BARRATRY (CRIMINAL).

8 A review of the records of the “District Court” are captioned, styled, and appear to be
9 presented in a manner appearing to be judicial, and do not have any notice, claim, or caveat
10 disclosing that the presentment is COMMERCIAL and not JUDICIAL.

11 The WASHINGTON SUPREME COURT, a federally chartered commercial review body
12 recognized barratry as:

14 *STATE V SULLIVAN, 143 Wn.2d 162, 2001*

15 *Process - Barratry - Statutory Provisions - Purposes. The purposes of the barratry*
16 *statute are to prohibit false lawsuits in any court with intent to distress or harass a*
17 *defendant and to prohibit serving or sending any paper or document purporting to be or*
18 *resembling a judicial process when, in fact, it is not.*

20 The record of the “United States District Court for the District of Nevada” does not evidence
21 any act of Congress delegating Constitutional, Article III JUDICIAL authority to the “court”.

22 A review of the statutes by which Congress created the “United States District Court for the
23 District of Nevada” do not mention or reference any delegation of Article III Judicial authority
24 to the “court”.

26 A review of the statutes by which Congress created the office of “judge” for United States
27 District Courts, or establishing the number of such “judges” for “United States District Court
28 for the District of Nevada” does not mention or delegate any Article III JUDICIAL powers.

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1 **CONTRAST** the Act of Congress establishing the United States Court of International Claims:

2 **Title 28, United States Code, § 251**

3 (a) The President shall appoint, by and with the advice and consent of the Senate,
4 nine judges who shall constitute a court of record to be known as the United
5 States Court of International Trade. Not more than five of such judges shall be
6 from the same political party. **The court is a court established under article III**
7 **of the Constitution of the United States.**

8
9 No such positive enactment statements exist with respect to the "United States District Court
10 for the District of Nevada." In point of fact and law, a court entitled "United States District
11 Court for the District of Nevada" has never been created by Congress nor delegated any
12 constitutional authority.

13 The law is clearly established that Congress knows what it is doing; that where in one place it
14 specifically states something, that if it is omitted elsewhere, such omission is intentional.

15 Congress never delegated and never intended to delegate Article III JUDICIAL powers to the
16 "United States District Court for the District of Nevada."

17 Congress, in its capacity as Board of Directors for the BANKRUPT municipal corporation
18 UNITED STATES, established the "United States District Court for the District of Nevada" as
19 a commercial process reviewing and endorsement agency (bank), whose duty it is to enforce
20 PUBLIC POLICY relating to the bankruptcy, and to PREVENT fraudulent securities from
21 being introduced to the American commercial markets, and upon which the international
22 banking authorities make decisions relating to implementation and enforcement of the
23 bankruptcy.

24 The several officers of the "United States District Court for the District of Nevada" have issued
25 process appearing to be JUDICIAL, and with the intent that other parties be influenced to
26 respond as if the process were judicial when in fact the process was commercial (FRAUD)

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1 thereby creating and endorsing FALSE SECURITIES with the intent that those false securities
2 be sold, exchanged, or otherwise transacted into the commercial markets injuring and
3 damaging those in the domestic and international securities markets relying on those fraudulent
4 securities as if they had value.

5 **THE INITIAL AND SUBSEQUENT PROCESS IS VOID ON ITS FACE AS IT IS**
6 **INTENDED TO LOOK LIKE JUDICIAL PROCESS INTENDED TO CAUSE**
7 **INTERESTED PARTIES TO ACT ON IT AS IF IT WERE JUDICIAL PROCESS,**
8 **WHEN IN FACT IT IS NOT JUDICIAL PROCESS, BUT INSTEAD COMMERCIAL**
9 **PROCESS. VOID ON ITS FACE FOR ACT(S) OF BARRATRY (CRIMINAL), AND**
10 **THE "COURT" HAS SOLD, EXCHANGED, OR OTHERWISE PROFFERED**
11 **FRAUDULENT SECURITIES INTO THE COMMERCIAL MARKETS CONTRARY TO**
12 **PUBLIC POLICY, AND TO THE DETRIMENT AND HARM TO BOTH THE**
13 **CREDITORS AND DEBTORS OF THE NATIONAL BANKRUPTCY.**

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15 3. IT APPEARS FROM THE RECORD THAT THE "DEFENDANT" LACKED
16 PROPER COUNSEL, AND THAT THE "JUDGE" SHOULD HAVE SUA SPONTE
17 PREVENTED OR CORRECTED THE SUBSTANTIVE DUE PROCESS
18 DISCREPANCY WHEN THE SEVERAL ATTORNEYS AND "JUDGE" (ALSO AN
19 ATTORNEY) KNEW, OR SHOULD HAVE KNOWN THAT Samuel Lynn Davis WAS
20 A MAN, ACTING BY AND THROUGH A TRANSMITTING UTILITY, SAMUEL
21 LYNN DAVIS, AND THAT THE MAN HAS AN UNLIMITED EXEMPTION FROM
22 LEVY.
23

24 Based upon the conduct of the parties on the record it appears from the record that Samuel
25 Lynn Davis, the Man, did not have disclosed to him the nature and cause of the proceedings.
26 Either through nescience or fraud, the man did not understand the nature and cause of the
27 proceeding or he would have asserted his unlimited commercial credit, and, through the
28
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1 transmitting utility SAMUEL LYNN DAVIS discharged any and all obligations through his
2 exemption.

3 If counsel or the “judge” had been properly protecting the UNTIED STATES and the creditors
4 and debtors to the bankruptcy, as a matter of PUBLIC POLICY, they would have by motion or
5 SUA SPONTE dismissed or discharged the “District Court” action based upon the unlimited
6 exemption of the man from levy.

7 **THE “DISTRICT COURT” OFFICERS (ATTORNEYS AND “JUDGE”), HAVING**
8 **KNOWLEDGE OF THE CHARACTER AND STATUS OF THE MAN, AND FAILING**
9 **TO INFORM HIM OF THE ABILITY TO DISCHARGE OR OFFSET THE “BILL”**
10 **(charges) THE “COURT” HAS SOLD, EXCHANGED, OR OTHERWISE PROFFERED**
11 **FRAUDULENT SECURITIES INTO THE COMMERCIAL MARKETS CONTRARY TO**
12 **PUBLIC POLICY, AND TO THE DETRIMENT AND HARM TO BOTH THE**
13 **CREDITORS AND DEBTORS OF THE NATIONAL BANKRUPTCY.**

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15 **4. THE CHARGES IN THE INSTANT MATTER ARE CITED UNDER TITLE 18**
16 **OF THE UNITED STATES CODE. TITLE 18 HAS NEVER BEEN PUBLISHED IN**
17 **THE FEDERAL REGISTER RENDERING IT IMPOTENT TO BE USED AGAINST**
18 **THE PEOPLE OF THE SEVERAL STATES PURSUANT TO THE FEDERAL**
19 **REGISTER ACT.**

20
21 The United States government “is a foreign corporation in respect to a state”, In Re Merriam 36 N.E.
22 505 16 S. Ct. 1073.

23 From the Federal Rules of Criminal Procedure- Rule 54(c) now Rule 1, we find:

24 “Act of Congress includes any act of Congress locally applicable to and in force in
25 the District of Columbia, in Puerto Rico, in a territory or in an insular possession”
26 and “State” includes District of Columbia, Puerto Rico, territory and insular
27 possession: [and] an act of Congress cannot be utilized outside of the above described
28 venue within any one of the several states of the union states party to the Constitution

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1 for The United States of America without an implementing regulation promulgated
2 for that specific purpose."

3 And most specifically:

4 "It is no longer open to question that general government, unlike the states, possesses
5 no inherent power in respect of the internal affairs of the states; and emphatically not
6 with regard to legislation." *Carter v. Carter Coal Co.* 298 U.S. 238. 56 S. Ct. 855
7 (1936).

8 Ergo, to conclude that the rarest of all creatures today, a State Citizen, would be subject to the
9 plenary powers and legislative authority of Congress is simply a notion not supported by any cognizable
10 theory and most certainly finds no support in Law.

11 Following up on the issue of publication in the Federal Register, we find;

12 The U.S. Supreme Court has ruled that a fundamental element of "procedural due
13 process" is "due notice." The Federal Register act at 44 USC § 1505(a) legally mandates that
14 "all Laws" having general applicability and legal effect MUST be published in the Federal
15 Register. The Federal Register Act also stipulates that all laws which prescribe a penalty have
16 "general applicability and legal effect", therefore mandating publication. 44 USC § 1508
17 goes on to say that notice is deemed to be given to all persons residing within the States of the
18 Union upon publication in the Federal Register.

19 The Administrative Procedures Act adds at 5 USC § 552(a)(1);

20 "Except to the extent that a person has actual and timely notice of the terms thereof, a
21 person may not in any manner be required to, or be adversely affected by, a matter
22 required to be published in the Federal Register which was not so published."

23 The only exception to the requirement of publication for applicability to any person is for "Federal
24 agencies, or persons in their capacity as officers, agents, franchisees, or employees thereof. None of the
25 Title 18 sections charged in the instant case have ever been published in the Federal Register, effectively
26 further denying this Court *in personam* and subject matter jurisdiction. All such claims to the contrary
27 must be proven.

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1 Therefore notice is given that this court by and through it's agents, the "judge" in collusion with the
2 attorney's acting as United States Attorney, Assistant United States Attorney, Public Defender et al, are
3 engaging in fraud, conspiracy to defraud, slavery, peonage, involuntary servitude, securities fraud,
4 barratry, simulation of judicial process, excess of jurisdiction, failure to disclose exculpatory evidence,
5 denial of honest government services, sedition, and acts of mixed war against the people of one of the
6 several states.

7

8 **5. WHEN ONE LOOKS AT 28 USC § 535, YOU FIND THAT IT STATES:**

9

10 28 USC § 535 Investigation of crimes involving Government officers and employees;
11 limitations - -

12 (a) The Attorney General and the Federal Bureau of Investigation may investigate
13 any violation of Federal criminal law involving Government officers and
14 employees - -

15 (1) notwithstanding any other provision of law; and

16 (2) without limiting the authority to investigate any matter which is conferred on
17 them or on a department or agency of the Government.

19

20 **ONCE AGAIN, WE HAVE A SITUATION, WHERE IF CONGRESS HAD INTENDED**
21 **THE FBI TO INVESTIGATE ANY AND ALL CRIMES ANYWHERE WITHIN THE**
22 **GEOGRAPHICAL BOUNDARIES OF THE SEVERAL STATEES OF THE**
23 **AMERICAN UNION, IT WOULD HAVE SO STATED IN THE STATUTES IT**
24 **CREATED. HERE THE ACTIONS OF THE FBI APPEAR TO BE DONE SOLELY**
25 **TO HARASS, THREATEN AND PRESENT FORCE OF ARMS TO A CITIZEN OF**
26 **ONE OF THE SEVERAL STATES, AND TO ASSIST THE COURT (BANK) IN**
27 **TRADING IN FRAUDULENT COMMERCIAL SECURITIES.**

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2 **6. THE MAN, Samuel Lynn Davis, HELD TO ANSWER FOR THE DEFENDANT,**
3 **SAMUEL LYNN DAVIS, IS A TERRA TENNANT UPON THE SOIL OF IDAHO**
4 **STATE.**

5 As a domiciliary on one of the several states of the American union, a Citizen of the body
6 politic The State of Idaho, a terra tenant, the Man, Samuel Lynn Davis, has all of the rights,
7 privileges and immunities of the original jurisdiction granted to the People of the 13 original
8 colonies. As such, FBI Agents have no established authority to come onto one of the several
9 states to investigate, harass, steal the property of, and threaten the Man, Samuel Lynn Davis,
10 unless they can show that they have a specific Delegation of Authority issued by Congress
11 pursuant to Title 4 Sec. 72 of the UNITED STATES CODE. No evidence has been seen that
12 Congress has issued any such Delegation of Authority to ANY agency, including the FBI. The
13 multitude of FBI Agents involved in this matter have trespassed on the private affairs of
14 Samuel Lynn Davis.
15

16
17 **7. THE MULTITUDE OF FEDERAL BUREAU OF INVESTIGATION AGENTS**
18 **INVOLVED IN THIS MATTER HAVE ENJOYED UNJUST ENRICHMENT.**

19 The FBI Agents involved in this instant case make the claim to be agents of the United States
20 government. They therefore accept salaries and other compensation. The Friend of the Court
21 alleges that their acts and commissions are outside any possible lawful authority and therefore
22 not within the scope of compensation afforded them. The Friend of the Court makes the claim
23 that this constitutes unjust enrichment through acts of fraud and deception. All such
24 compensation must be returned to the Treasury as unjust enrichment.
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CONCLUSION

The “DISTRICT COURT” should bring this matter into compliance with public policy and withdraw the fraudulent securities and dismiss with prejudice the instant action.

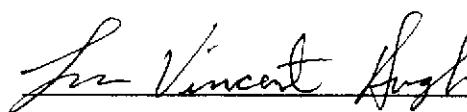
In the alternative, it will be the duty of the Friend of the Court, in his capacity as Private Attorney General, as authorized by Congress, to seek indictments against all of the actors in the instant case for violation of Public Policy by the intentional distribution of fraudulent securities, and the defrauding of the creditors and debtors to the national bankruptcy, and for trafficking in slavery, thru the imposition of involuntary servitude and peonage against the Man, Samuel Lynn Davis.

As Friend of the Court and Private Attorney General, the Court is hereby given notice that one's duty is clear in a matter such as this that as Private Attorney General, this case will be presented to a duly empanelled grand jury of the sovereign People of Idaho, wherein an order to cease and desist will be sought to be followed up with a criminal indictment in the form of an information for arrest and seizure of the offending actors and their bonds as well as the fraudulent securities issued in this matter.

The District Court need look no further than the record to have its SUA SPONTE duty made clear: VACATE OR CAUSE TO BE VACATED THE FRAUDULENT SECURITIES ISSUED BY THE "United States District Court for the District of Nevada" and protect the creditors and debtors to the national bankruptcy from the fraudulent securities as well as dismiss this matter with prejudice.

1 The District Court shall have 7 calendar days from the receipt of this Friend of the Court Brief,
2 to VACATE THE FRAUDULENT SECURITIES issued under the instant case No.
3 09CR00170 and to DISMISS ALL CHARGES against the Defendant. Should the "United
4 States District Court for the District of Nevada" not choose to take the honorable course of
5 action, then it will be assumed that the Court is desirous of the Private Attorney General
6 proceeding as outlined above.

7
8 Respectfully presented under my hand and seal this 10th day of June, 2010,
9

10
11 
12

13 Lewis Vincent Hughes
14

15 A Free White Man standing on the So
16 Washington state as a Citizen thereon,
17 Friend of the Court,
18 Private Attorney General
19



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21 June 10, 2010
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